

# PUBLIC NOTICE

Notice to Water Users  
(Pursuant to Section 85-2-307, MCA)

The following application has been submitted to change a water right in the State of Montana.

THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION PROPOSES TO GRANT AN APPLICATION TO CHANGE A WATER RIGHT. DESCRIBED BELOW ARE THE PERTINENT FACTS WHICH SUMMARIZE THE APPLICATION. THE PRELIMINARY DETERMINATION (PD) DOCUMENTING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY CONDITIONS ATTACHED TO THE WATER RIGHT ARE AVAILABLE ON THE INTERNET AT <http://www.dnrc.mt.gov/wrd/>.

**OBJECTION DEADLINE: JANUARY 22, 2022.** THE DEPARTMENT CAN ONLY ACCEPT OBJECTIONS FILED ON AN OBJECTION TO APPLICATION, FORM 611. MAIL THE COMPLETED FORM AND THE \$25.00 FILING FEE TO THE DNRC, PO BOX 201601, HELENA, MT 59620-1601 BY THE DEADLINE SPECIFIED. THE FORM IS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

DIRECT ANY QUESTIONS PERTAINING TO THE APPLICATION, TO OBTAIN THE PD OR OBJECTION FORM TO THE WATER RESOURCES OFFICE AT 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL, MT 59901-2387 FAX: 406-752-2843 PHONE: 406-752-2288.

**Application Number:** 76l 30152266

**Applicant:** COX MEDLICOTT LLC  
9 CARIBOU ST  
BEDFORD, MA 01730 1922

**WATER RIGHT NUMBER(S) BEING CHANGED**

<u>Water Right Type</u>	<u>Water Right Number</u>	<u>Priority Date</u>
STATEMENT OF CLAIM	76l 39614-00	AUGUST 31, 1892
Historical Flow Rate: 12. GPM	Historical Consumptive Volume: 0.05 AC-FT	
	Historical Diverted Volume: 0.46 AC-FT	

**PAST USE OF WATER**

WATER WAS DIVERTED FROM KELLY CREEK FOR DOMESTIC PURPOSES WHICH INCLUDED SOME LAWN AND GARDEN IRRIGATION. PLACE OF USE WAS IN GOVERNMENT LOT 2, NESWNW OF SECTION 15, TOWNSHIP 33N, RANGE 18W, FLATHEAD COUNTY, MT. THE HISTORIC POINT OF DIVERSION WAS IN THE SENWNW OF SECTION 15, TOWNSHIP 33N, RANGE 18W, FLATHEAD COUNTY, MT.

**PROPOSED CHANGE**

THE APPLICANT PROPOSES TO MOVE THE POINT OF DIVERSION FROM THE SENWNW SECTION 15, TOWNSHIP 33 NORTH, RANGE 18 WEST, FLATHEAD COUNTY, TO GOVERNMENT LOT 2, NESWNW SECTION 15, TOWNSHIP 33 NORTH, RANGE 18 WEST, FLATHEAD COUNTY. APPLICANT WILL USE MCDONALD CREEK (LAKE MCDONALD) AS A NATURAL CARRIER OF KELLY CREEK WATER TO THE NEW POINT OF DIVERSION ON LAKE MCDONALD. THE PROPOSAL WILL ALSO: UPDATE THE MEANS OF DIVERSION FROM "FLOWING" TO "PUMP"; REDUCE THE TOTAL DIVERTED VOLUME FROM 1.5 AF TO 0.46 AF PER THE APPLICANT'S HISTORIC USE DESCRIPTION; REDUCE THE PERIOD OF DIVERSION/USE FOR THE DOMESTIC PURPOSE FROM JANUARY 1 - DECEMBER 31 TO APRIL 15 - DECEMBER 15 PER THE APPLICANT'S HISTORIC USE DESCRIPTION; SEPARATE OUT THE LAWN AND GARDEN IRRIGATION PURPOSE VOLUME FROM THE DOMESTIC PURPOSE VOLUME; AND, ASSIGN THE PERIOD OF USE FOR THE LAWN AND GARDEN PURPOSE AS MAY 1 - SEPTEMBER 30 PER THE APPLICANT'S HISTORIC USE DESCRIPTION.

**ADDITIONAL INFORMATION**

A COMMUNITY WATER SYSTEM PROVIDED WATER TO NO MORE THAN TEN DIFFERENT CABINS IN KELLY'S CAMP. THIS APPLICATION IS ONLY FOR CABIN 5. THIS COMMUNITY WATER SYSTEM WAS DESTROYED IN THE 2018 HOWE RIDGE FIRE.

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